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PATENT

Attorney Docket 060616-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Ian Duncan Rubin *et al.***)Application No. **09/891,615**)Group Art Unit: **1654**Filed: **June 27, 2001**)Examiner: **Michele C. Flood**For: **Extracts, Compounds and Pharmaceutical
Compositions Having Anti-Diabetic Activity
and Their Use**)U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314**TRANSMITTAL FORM**

- Transmitted herewith is a Supplemental Amendment and Response Under 37 C.F.R. 1.116 further in response to the Final Office Action dated November 1, 2004.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants do not believe an additional extension of time is required as a Notice of Appeal was filed on April 27, 2005. However, if Applicants have inadvertently overlooked the need for an extension of time, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
- Fee Calculation (37 C.F.R. 1.16):

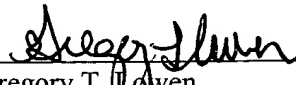
CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	19	minus	41	0	\$50 each=	0.00
Independent Claims	2	minus	8	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						0.00

- Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This

paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **May 13, 2005**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Gregory T. Lowen
Registration No. 46,882



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Attorney Docket: 060616-5003

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<i>In re</i> application of:)	
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Ian Duncan RUBIN <i>et al.</i>)	
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Application No.: 09/891,615)	Group Art Unit: 1654
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Filed: June 27, 2001)	Examiner: Michele C. Flood
)	
For: EXTRACTS, COMPOUNDS AND)	
PHARMACEUTICAL COMPOSITIONS)	
HAVING ANTI-DIABETIC ACTIVITY)	
AND THEIR USE)	

Commissioner of Patents
Arlington, VA 22202

Sir:

SUPPLEMENTAL AMENDMENT AND RESPONSE UNDER 37 C.F.R. 1.116

This response is being filed as a supplement to the response filed on March 1, 2005 in reply to the Final Office Action dated November 1, 2004. Applicants request reconsideration of the subject application in view of the following amendments and remarks.

Amendments to the Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.